

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

JANE DOE

Plaintiff,

-against-

**VERIFIED ANSWER TO SECOND
AMENDED VERIFIED
COMPLAINT
AFFIRMATIVE DEFENSES
CROSS-CLAIMS
Index No. 161704/2026**

**CORNELL UNIVERSITY, INC., CHI PHI CHAPTER HOUSE
ASSOCIATION, CHI PHI FRATERNITY, INC.,
CHI PHI EDUCATIONAL TRUST,
ALPHA BETA HOUSE ORPORATION OF DELTA DELTA DELTA,
DELTA DELTA DELTA SORORITY,
ZAREEN ENTERPRISE, LLC, d/b/a MOONIES BAR AND NIGHTCLUB,
MATTHEW INGALLS, JOHNATHAN NEWELL,
WINSTON LEE, GILLIO LOPES, DIETO SARABIA,
SCOTT NORRIS, SCOTT KRETZSCHMAR,
JOHN DOE (FACULTY), JOHN DOE (ALUMNI),
JOHN DOES (EXECUTIVE BOARD), and ORAZIO PETITO,**

Defendants.

Index No. EF-2026-0531

ANSWER OF DEFENDANT ZAREEN ENTERPRISESS, LLC,

d/b/a MOONIES BAR AND NIGHTCLUB

**Defendant ZAREEN ENTERPRISE, LLC, d/b/a MOONIES BAR AND NIGHTCLUB
(hereinafter, "Zareen") by their attorneys, answers the Complaint as follows:**

GENERAL DENIAL

1. Defendant Zareen denies each and every allegation contained in the Complaint except those allegations expressly admitted herein.
2. Defendant Zareen denies that Zareen was negligent in any respect.

3. Defendant Zareen denies that it unlawfully sold, furnished or assisted in procuring alcoholic beverages to any person under the legal drinking age.
4. Defendant Zareen denies that it sold or furnished alcoholic beverages to any visibly intoxicated person.
5. Defendant Zareen denies that any act or omission on its part was a proximate cause of Plaintiff's alleged injuries.
6. Defendant Zareen denies that it is liable under the Alcoholic Beverage Control Law, General Obligations Law §§ 11-100 or 11-101, common law, or otherwise.
7. Defendant Zareen admits paragraphs 1, 2, 3, 4, 5, 6 and 7 of the complaint in that said paragraphs describe the nature of this action, or the allegations contained herein, but denies the veracity of any allegations made in said paragraphs.
8. Defendant Zareen admits paragraphs 82, 83, 84, 115, 135, 138, 238, 319, 320, 444, 445, 446, 447, 583, 584, 585
9. Defendant Zareen admits so much of paragraph 449 that Defendant Moonies hired and employed certain individuals to carry out its business operations, including bartenders, hosts, but denies that part of this paragraph alleging Defendant Zareen employed security guards, administrators and supervisors. Defendant Zareen did employ a "door person."
10. Defendant Zareen denies paragraphs 44, 52, 86, 131, 139, 205, 207, 239, 240, 241, 242, 243, 311, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 475, 512, 519, 525, 555, 582, 586, 587, 588, 589, 590, 591, 592, 593, AND 594 of the complaint.

11. Defendant Zareen lacks knowledge sufficient to admit or deny the allegations in

paragraphs 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46 47 48, 49,50, 51,52, 53, 54, 55, 56,57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97,98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, ,133, 134, 136, 137, 140, 141, 142, 143, 144, 145, 146, 147. 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 19, 29, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 24, 215, 216, 217, 218,219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 236, 237, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 312, 313, 314, 315, 316, 317, 318, 321, 322, 323, 324, 325, 326, 317, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 40, 410, 411, 412, 413, 414,, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424,

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12. Defendant Zareen denies each remaining allegation not expressly admitted.

AFFIRMATIVE DEFENSES

First

The Complaint fails to state a cause of action.

Second

The intentional criminal conduct of third parties constituted an independent, intervening and superseding cause.

Third

Defendant Zareen neither knew nor should have known that any assault would occur.

Fourth

No special relationship existed requiring Defendant Zareen to protect Plaintiff from sudden criminal acts of third parties off premises.

Fifth

Defendant Zareen exercised reasonable care under the circumstances.

Sixth

The occurrence was not reasonably foreseeable.

Seventh

Defendant Zareen had no actual or constructive notice of any dangerous condition or escalating altercation.

Eighth

Plaintiff cannot establish that Defendant Zareen unlawfully sold alcohol to any underage person.

Ninth

Plaintiff cannot establish that Defendant Zareen sold alcohol to any visibly intoxicated person.

Tenth

Plaintiff cannot establish that any alleged unlawful sale was a proximate cause of Plaintiff's injuries.

Eleventh

The assault resulted solely from the intentional criminal conduct of others.

Twelfth

Plaintiff's damages, if any, were caused by persons over whom Defendant Zareen exercised no control.

Thirteenth

Any recovery must be reduced pursuant to CPLR Article 16.

Fourteenth

Any recovery is subject to collateral source reduction pursuant to CPLR 4545.

Fifteenth

Defendant Zareen is entitled to a setoff pursuant to General Obligations Law § 15-108 for settlements with other Defendants.

Sixteenth

Defendant Zareen complied with all applicable statutes, regulations and Alcoholic Beverage Control Law requirements.

Seventeenth

Plaintiff cannot establish that Defendant Zareen breached any duty owed to Plaintiff.

Eighteenth

Any injuries occurred outside premises owned, occupied or controlled by Defendant Zareen, to the extent established by the evidence.

Nineteenth

The acts of unidentified persons caused or contributed to Plaintiff's injuries.

Twentieth

Plaintiff's claims are barred to the extent they seek recovery for unforeseeable intentional criminal acts.

Defendant Zareen reserves the right to assert additional affirmative defenses revealed during discovery.

CROSS-CLAIMS

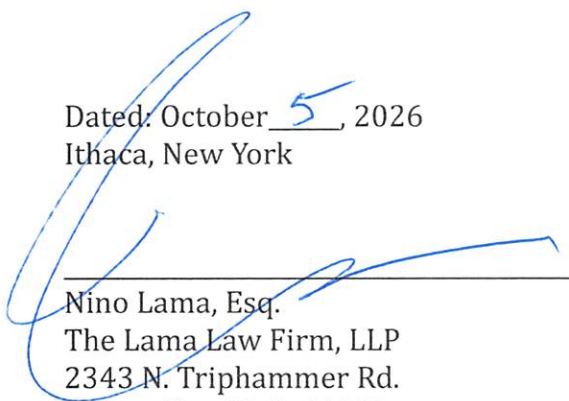
If any co-Defendant is found liable, Defendant Zareen asserts cross-claims for contribution and common-law indemnification against all co-Defendants whose negligence or intentional conduct caused Plaintiff's injuries.

WHEREFORE

Defendant Zareen demands judgment:

1. Dismissing the Complaint in its entirety as against Zareen.
2. Awarding costs and disbursements.
3. Awarding contribution and indemnification against any liable co-Defendant.
4. Granting such other and further relief as the Court deems just and proper.

Dated: October 5, 2026
Ithaca, New York



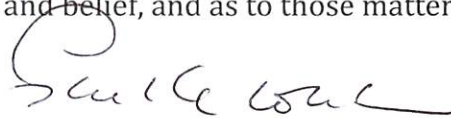
Nino Lama, Esq.
The Lama Law Firm, LLP
2343 N. Triphammer Rd.
Ithaca, New York 14850
(607) 275-3425
nino@lamalaw.com

VERIFICATION

STATE OF NEW YORK }

COUNTY OF TOMPKINS } ss.:

SHAKAWAT HOSSAIN being duly sworn, deposes and says; that I am the Member/Manager of Defendant Zareen Enterprise, LLC, in the within proceeding, that I have read the foregoing ANSWER WITH AFFIRMATIVE DEFENSES AND CROSS CLAIMS and know the contents thereof and the same are true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.



SHAKAWAT HOSSAIN

Member/Manager, Zareen Enterprise, LLC

,Sworn to before me, a Notary Public,

on this _____ day of October 2026.

NOTARY PUBLIC

